

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FINJAN SOFTWARE, LTD., an Israel corporation,)	
)	
Plaintiff-Counterdefendant,)	Civil Action No. 06-369 GMS
)	
v.)	
)	
SECURE COMPUTING CORPORATION, a Delaware corporation; CYBERGUARD CORPORATION, a Delaware corporation, WEBWASHER AG, a German corporation and DOES 1 THROUGH 100,)	
)	
Defendants-Counterclaimants.)	

FIRST AMENDED SCHEDULING ORDER

IT IS HEREBY ORDERED that, the Scheduling Order entered on December 5, 2006 (D.I. 29) is amended as follows but otherwise shall remain in full force and effect:

1. **Reliance Upon Advice of Counsel.** Each party shall inform the other party whether they intend to rely upon advice of counsel as a defense to willful infringement no later than August 15, 2007. If a party elects to rely on advice of counsel as a defense to willful infringement, they shall produce any such opinions and related materials on which they intend to rely no later than August 15, 2007.

2. **Markman Claim Construction Hearing.** A *Markman* claim construction hearing shall be held on October 24, 2007 at 9:30 a.m. The *Markman* hearing is scheduled for a full day, split evenly between the parties. The parties shall meet and confer regarding narrowing and reducing the number of claim construction issues. On or before August 24, 2007, the parties shall submit a Final Joint Claim Chart which shall include citations to

intrinsic evidence. The parties shall exchange opening claim construction briefs on August 31, 2007, and the answering claim construction briefs on September 28, 2007.

3. **Discovery.** Expert discovery in this case shall be initiated so that it will be completed on or before December 21, 2007. Expert witnesses may be noticed to be deposed for up to one (1) seven-hour day. Opening expert reports shall be served no later than November 21, 2007. Answering expert reports shall be served no later than December 12, 2007.

4. **Summary Judgment Motions.** No Summary Judgment motions are permitted to be filed.

The Honorable Gregory M. Sleet
United States District Judge

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